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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,224	01/29/2007	Alasdair Craig Stamps	1300-1-013PCT/US	7472

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EXAMINER	
NATARAJAN, MEERA	

ART UNIT	PAPER NUMBER
1643	

MAIL DATE	DELIVERY MODE
11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 7-9 and 12 drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering a therapeutically effective amount of an agent which interacts with or modulates the expression or activity of a KIAA0659 polypeptide.

Group II, claim(s) 10-11, drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering a therapeutically effective amount of a composition comprising a KIAA0659 polypeptide.

Group III, claim(s) 13, 14, 24 and 25, drawn to a method of screening for anti-carcinoma agents that *interact* with a KIAA0659 polypeptide.

Group IV, claim(s) 15-17, drawn to a method of screening for anti-carcinoma agents that *modulate* the expression or activity of a KIAA0659 polypeptide.

Group V, claim(s) 18, drawn to an agent identified by the method of Group III which interacts with or causes the expression or activity of KIAA0659 to change.

Group VI, claim(s) 19-23, drawn to a method of screening for and/or diagnosis or prognosis of carcinoma in a subject, and/or monitoring the effectiveness of carcinoma therapy.

Group VII, claim(s) 26, drawn to a diagnostic kit comprising a capture reagent specific for a KIAA0659 polypeptide, reagents and instructions for use.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or

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corresponding special technical features for the following reasons: Claim 7 and 8 are drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering an antibody which interacts with or modulates the expression or activity of a KIAA0659 polypeptide (SEQ ID NO:1) and Claim 13 is drawn to a screening method to identify agents that interact with a KIAA0659 polypeptide. Tang et al.

(WO/2001/066689) teach KIAA0659 polypeptide (see SEQ ID NO: 340 of WO document), antibodies that specifically bind to the KIAA0659 polypeptide (see paragraphs 4.13.1-9), their use to treat or diagnose cancer, and their use to screen for anti-cancer agents (see paragraphs 4.18). Therefore, the technical features recited in Claim 7, 8 and 13 are not novel based on the prior art.

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

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(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention. Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meera Natarajan whose telephone number is 571-270-3058. The examiner can normally be reached on Monday-Thursday, 8:30AM-6:00PM, ALT. Friday. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN



LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER